

# EXHIBIT A

## PAUL, WEISS, RIFKIND, WHARTON &amp; GARRISON LLP

1285 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

LLOYD K. GARRISON (1946-1991)  
RANDOLPH E. PAUL (1946-1956)  
SIMON H. RIFKIND (1950-1995)  
LOUIS S. WEISS (1927-1950)  
JOHN F. WHARTON (1927-1977)

UNIT 5201, FORTUNE FINANCIAL CENTER  
5 DONGSANHUAN ZHONGLU  
CHAOYANG DISTRICT, BEIJING 100020, CHINA  
TELEPHONE (86-10) 5828-6300

SUITES 3601 – 3606 & 3610  
36/F, GLOUCESTER TOWER  
THE LANDMARK  
15 QUEEN'S ROAD, CENTRAL  
HONG KONG  
TELEPHONE (852) 2846-0300

WRITER'S DIRECT DIAL NUMBER

(202) 223-7407

WRITER'S DIRECT FACSIMILE

(202) 379-4099

WRITER'S DIRECT E-MAIL ADDRESS

ksmith@paulweiss.com

ALDER CASTLE  
10 NOBLE STREET  
LONDON EC2V 7JU, UNITED KINGDOM  
TELEPHONE (44 20) 7367 1600

535 MISSION STREET, 24TH FLOOR  
SAN FRANCISCO, CA 94105  
TELEPHONE (628) 432-5100

FUKOKU SEIMEI BUILDING  
2-2 UCHISAIWAICHO 2-CHOME  
CHIYODA-KU, TOKYO 100-0011, JAPAN  
TELEPHONE (81-3) 3597-8101

TORONTO-DOMINION CENTRE  
77 KING STREET WEST, SUITE 3100  
P.O. BOX 226  
TORONTO, ONTARIO M5K 1J3  
TELEPHONE (416) 504-0520

2001 K STREET, NW  
WASHINGTON, DC 20006-1047  
TELEPHONE (202) 223-7300

1313 NORTH MARKET STREET, SUITE 806  
POST OFFICE BOX 32  
WILMINGTON, DE 19899-0032  
TELEPHONE (302) 655-4410

MATTHEW W. ABBOTT  
EDWARD T. ACKERMAN  
JACOB A. ADLERSTEIN  
WILL AITKEN-DAVIES\*  
JARRYD E. ANDERSON  
STEFAN ARNOLD-SOULBY\*  
JONATHAN H. ASHTOR  
ROBERT A. ATKINS  
KANESH BALASUBRAMANIAM\*  
SCOTT A. BARSHAY  
PAUL M. BASTA  
LYNN B. BAYARD  
JOSEPH J. BIAL  
BRUCE BIRENBOIM  
H. CHRISTOPHER BOEHNING  
BRIAN BOLIN  
ANGELO BONVINO  
ANDRE G. BOUCHARD\*  
PAUL D. BRACHMAN  
ROBERT A. BRITTON  
BRAD BROWN  
WALTER F. BROWN\*  
SUSANNA M. BUERGEL  
JESSICA S. CAREY  
JOHN P. CARLIN  
DAVID CARMONA  
BONNIE CHEN  
GEOFFREY R. CHEPIGA  
ELLEN N. CHING  
WILLIAM A. CLAREMAN  
LEWIS R. CLAYTON  
YAHONNES CLEARY  
REBECCA S. COCCARO  
JAY COHEN  
KELLEY A. CORNISH  
CHRISTOPHER J. CUMMINGS  
TIHITINA DAGNEW  
THOMAS V. DE LA BASTIDE III  
MEREDITH R. DEARBORN\*  
KAREN L. DUNN  
ALICE BELISLE EATON  
ANDREW J. EHRLICH  
CAROLINE B. EPSTEIN  
GREGORY A. EZRING  
ROSS A. FIELDSTON  
ANDREW C. FINCH  
BRAD J. FINKELSTEIN  
BRIAN P. FINNEGAN  
ROBERTO FINZI  
PETER E. FISCH  
HARRIS FISCHMAN  
KATHERINE B. FORREST  
VICTORIA S. FORRESTER  
HARRIS B. FREIDUS  
MANUEL S. FREY  
DAVID P. FRIEDMAN  
MATTHEW R. FRIEDMAN  
KENNETH A. GALLO  
KATHLEEN P. GARRETT  
MICHAEL E. GERTZMAN  
ADAM M. GIVERTZ  
SALVATORE GOGLIORMELLA  
NEIL GOLDMAN  
MATTHEW B. GOLDSTEIN  
ROBERTO J. GONZALEZ\*  
BENJAMIN GOODCHILD  
MARTHA L. GOODMAN  
CHARLES H. GOOGE, JR.  
ANDREW G. GORDON  
JOE GRAHAM  
BRIAN S. GRIEVE  
UDI GROFMAN  
MELINDA HAAG\*  
ALAN S. HALPERIN  
CLAUDIA HAMMERMAN  
IAN M. HAZLETT  
BRIAN S. HERMANN  
JOSHUA HILL JR.  
MICHELE HIRSHMAN  
JARRETT R. HOFFMAN  
ROBERT HOLO  
CHRISTOPHER HOPKINS  
DAVID S. HUNTINGTON  
AMRAN HUSSEIN  
LORETTA A. IPPOLITO  
WILLIAM A. ISAACSON\*  
SOHAIL ITANI  
JAREN JANGHORBANI  
BRIAN M. JANSON  
LUKE JENNINGS  
JEH C. JOHNSON  
ROGER JOHNSON\*  
DEIRDRE JONES\*  
MATTHEW B. JORDAN  
CHRISTODOULOS KACOUTZANIS  
BRAD S. KARP  
JOHN C. KENNEDY  
ROBERT A. KILLIP  
BRIAN KIM  
KYLE J. KIMPLER  
ROBERT A. KINDLER

ALEXIA D. KORBERG  
NINA KOVALENKO  
DANIEL J. KRAMER  
ANDREW D. KRAUSE  
BRIAN KRAUSE  
CAITH KUSHNER  
DAVID K. LAKHDIR  
GREGORY F. LAUFER  
BRIAN C. LAVIN  
MATTHEW N. LEIST\*  
XIAOYU GREG LIU  
TIMOTHY LOWE\*  
RANDY LUSKEY\*  
LORETTA E. LYNCH  
JEFFREY D. MARCELL  
MARCO V. MASOTTI  
ELIZABETH R. MCCOLM  
ANNE MCGINNIS  
JEAN M. MCLOUGHLIN  
MARK F. MENDELSON  
CLAUDINE MEREDITH-GOUJON  
MATTHEW MERKLE  
WILLIAM B. MICHAEL  
SEAN A. MITCHELL  
ERIN J. MORGAN  
JUDIE NG SHORTELL\*  
CATHERINE NYARADY  
JANE B. O'BRIEN  
CIAN O'CONNOR\*  
BRAD R. OKUN  
LUNG PAK  
CRYSTAL L. PARKER  
LINDSAY B. PARKS  
ANDREW M. PARLEN  
JOHN PATTEN\*  
DANIELLE C. PENHALL  
CHARLES J. PESANT  
ANASTASIA V. PETERSON  
ANDREAS PHILIPSON\*  
JESSICA E. PHILLIPS\*  
AUSTIN S. POLLET\*  
RAVI PUROHIT  
VALERIE E. RADWANER  
JEFFREY J. RECHER  
LORIN L. REISNER  
JEANNIE S. RHEE\*  
ANDREW N. ROSENBERG  
JACQUELINE P. RUBIN  
RAPHAEL M. RUSSO  
NEEL V. SACHDEV\*  
JEFFREY B. SAMUELS  
PAUL L. SANDLER  
AARON J. SCHLAPHOFF  
KENNETH M. SCHNEIDER  
ROBERT B. SCHUMER  
JOHN M. SCOTT  
BRIAN SCRIVANI  
KYLE T. SEIFRIED  
CANNON K. SHANMUGAM  
SCOTT A. SHER\*  
SUHAN SHIM  
MARIAN S. SHIN  
ANUSHA SIMHA  
CULLEN L. SINCLAIR  
MAURY SLEVIN  
KYLE SMITH  
AUDRA J. SLOWAY  
SCOTT M. SONTAG  
JOSHUA H. SOVEN\*  
MEGAN SPELMAN  
ROBERT Y. SPERLING  
EYITAYO ST. MATTHEW-DANIEL  
SARAH STASNY  
BEN STEADMAN  
AIDAN SYNNOTT  
ROBERT D. TANANBAUM  
BRETTE TANNENBAUM  
RICHARD C. TARLOWE  
DAVID TARR  
MONICA K. THURMOND  
DANIEL J. TOAL  
LAURA C. TURANO  
CONRAD VAN LOGERENBERG  
KRISHNA VEERARAGHAVAN  
JEREMY M. VEIT  
LIZA M. VELAZQUEZ  
MICHAEL VOGEL  
ANDREA WAHLQUIST BROWN  
JOHN WEBER  
THEODORE V. WELLS, JR.  
ERIC J. WEDEL  
SAMUEL J. WELT  
LINDSEY L. WIERSMA  
STEVEN J. WILLIAMS  
LAWRENCE I. WITDORCHIC  
MARK B. WLAZLO  
STACI YABLON  
BOSCO YIU\*  
TONG YU  
KENNETH S. ZIMAN  
T. ROBERT ZOCHOWSKI, JR.

\*NOT ADMITTED TO THE NEW YORK BAR

February 8, 2024

## VIA EMAIL

Roopal P. Luhana, Esq.  
Chaffin Luhana LLP  
600 Third Avenue  
12th Floor  
New York, NY 10016  
Luhana@chaffinluhana.com

Sarah R. London, Esq.  
Lieff Cabraser Heimann & Bernstein LLP  
275 Battery Street  
Suite 2900  
San Francisco, CA 94111  
slondon@lchb.com

Rachel B. Abrams, Esq.  
Peiffer Wolf Carr Kane Conway & Wise LLP  
555 Montgomery Stret  
Suite 820  
San Francisco, CA 94111  
rabrams@peifferwolf.com

Re: MDL 3084 – Letter following 2/7/2024 Meet and Confer re: PTO5

Counsel,

Thank you for the productive meet and confer yesterday to discuss Uber's production of documents based on Pretrial Order No. 5 ("PTO5"), ¶ 6(B) which states "Uber is ordered to produce all documents Uber has previously produced to legislative, regulatory, or enforcement entities in connection with government investigations or inquiries within the United States of Uber with respect to sexual assault, including attempted assaults (except those investigations or inquiries conducted pursuant to grand jury subpoena), including all those by the California Public Utilities Department, and any associated privilege logs." We write to discuss and follow-up on a number of issues you raised, and that we raised with you, during the call.

First, as we informed you during yesterday's call, Uber endeavored to complete its production of documents pursuant to ¶ 6(B) by January 31, 2024, but its search efforts still continue. Uber has determined that there are additional responsive documents to produce. Accordingly, today and into next week, you will continue to receive from Uber additional rolling productions of documents produced to the Massachusetts Department of Public Utilities and to the California Public Utilities Commission. We expect additional rolling productions will follow thereafter with respect to documents produced to the Iowa Department of Transportation.

We also wish to continue to engage with you to make sure the parties have a productive dialogue about the scope of what is responsive to the Court's requirement. You mentioned on our call that Plaintiffs received a number of "FOIA documents," which we understand to refer to documents provided by governmental entities to you pursuant to public records requests. You refused to identify what you requested (*i.e.*, you refused to explain what the request is or whether it aligns with the Court's PTO5, ¶ 6(B)) and what those "FOIA documents" are. We reiterate our request that you identify that information.

In any event, your reference to "FOIA documents" suggests that you may be interpreting ¶ 6(B) to require production of documents produced by Uber to governmental entities based on regular, ongoing statutory or administrative reporting requirements. But that is not what PTO5 provides; it requires production of documents produced by Uber to "legislative, regulatory, or enforcement entities in connection with government investigations or inquiries within the United States of Uber with respect to sexual assault . . . ." Documents provided to regulators pursuant to legislative or regulatory reporting requirements, without an underlying "government investigation or inquiry of Uber," are not within the scope of PTO5. We can continue to confer with you about this if you have a different understanding.

You also discussed on our call that you expected Uber would produce documents that had been provided to the San Francisco and Los Angeles District Attorneys based on investigations or inquiries of Uber that they conducted in or around 2014-2016. A 2014 lawsuit brought by the District Attorneys of San Francisco and Los Angeles asserted

claims regarding Uber's representations to customers, Uber's calculation of fares, Uber's operations at California airports, and fees charged to customers. *People of the State of California v. Uber Technologies, Inc., et al.*, No. CGC-14-543120 (San Fran Sup. Ct.), Amended Complaint (August 8, 2015), ¶ 10. Uber does not view this lawsuit as falling within the scope of PTO5 ¶ 6(B). If you believe that this lawsuit is within the scope of ¶ 6(B), please explain the basis for your position so that we may discuss further.

You also mentioned on the call your belief that documents within the scope of PTO5 were provided to "other DAs" and "other governments" beyond the CPUC and the San Francisco and Los Angeles District Attorneys. We asked on the call that you identify the "other DAs" and "other governments" you are referencing, but you refused to do so. We reiterate our request that you provide that information so that we may have a further discussion with you about whether or why documents provided to such "other DAs" or "other governments" will or will not be provided based on the scope of PTO5.

You requested that Uber provide, by the end of the week, a list of the "government investigations or inquiries within the United States of Uber with respect to sexual assault, including attempted assaults (except those investigations or inquiries conducted pursuant to grand jury subpoena)" in which documents were produced by Uber. We have identified those investigations and inquiries by virtue of the production made on January 31, 2024, and the information described in this letter. If you believe there are other such investigations or inquiries, please identify them so we may have a discussion with you about them.

You also requested that Uber confirm whether it has produced to Plaintiffs the documents that Uber produced to Congress in connection with its investigation or inquiry with respect to sexual assault. Uber confirms that it has produced the documents provided to Congress in response to this inquiry.

We also wish to raise one other interpretational issue regarding the scope of ¶ 6(B). It provides that the relevant governmental investigations or inquiries of Uber are those "with respect to sexual assault, including attempted assaults." First, as to "attempted assault," we understand that to mean "attempted sexual assaults." Second, ¶ 6(B) specifically references "sexual assault," but does not reference "sexual misconduct." In an abundance of caution, Uber has construed the references to "sexual assault" in Paragraph 6(B) as also encompassing "sexual misconduct."

You also stated on yesterday's call that Plaintiffs intend to file a motion with respect to their position on these issues, should a resolution of the disputes not be reached, and that such a motion would be filed on an order shortening time. As outlined above, Uber is continuing to make prompt productions of materials, and is prepared and willing to continue meeting and conferring with Plaintiffs to further discuss these issues. Therefore, there is no impasse on which a motion could be based. In any event, if Plaintiffs proceed with filing a motion despite the lack of impasse or any issue requiring court intervention, Uber respectfully requests that Plaintiffs explain their bases for filing the motion under shortened time. Subject to receiving that explanation, Uber is prepared to consider

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Roopal P. Luhana, Esq., Sarah R. London, Esq., Rachel B. Abrams, Esq.

4

agreeing to a briefing schedule that would shorten time such that the matter can be heard by Judge Cisneros on February 22, 2024, provided the Court is available for further proceedings that day. Under that briefing schedule, Uber would file its response brief by February 20, 2024, assuming Plaintiffs file their motion by February 9, 2024. There would be no reply brief.

We are available to further meet and confer to discuss these issues further, and look forward to doing so. Please send some proposed times next week when you are available.

Sincerely,

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

By: /s/ Kyle Smith

Kyle Smith  
2001 K Street, NW  
Washington, DC 20006-1047  
(202)223-7407  
ksmith@paulweiss.com

cc: Marlene Goldenberg  
Caitlin M. Woods